## T.D. INFORMAL MEMO: DO NOT MAIL THIS MEMO TO APPLICANT

Date:			17-Sep-07	APPL. S. N:	10822349					
To Exam	iner:		NGUYEN, NAM	Art Unit	2612					
From			Jefferson, Henry PARALEGAL SPCECIALIST	Return This Memo To: Cas Drop-Off Location	JEF-2D68					
SUBJEC	<b>T:</b> Decision	n on Te	erminal Disclaimer(T.D.) filed:							
form par or have	agraphs i any quest	dentifie ions, pl	ed by this informal memo in your lease see me or the Special Progr	next Office action to notify applica am Examiner. THIS IS AN INFORM	ou agree, please use the appropriate int of the T.D. If you disagree MAL, INTERNAL MEMO ONLY. ON FILE. When your action is complete					
please ir	nitial, date	and re	eturn this memo to me. THANK YO	ou.						
v	The T.D.	is PRO	PER and has been recorded (see	14.23).						
	The T.D.	is NOT	PROPER and has not been accep	ted for the reason(s) checked belo	ow (see 14.24):					
		The TD fee of has not been submitted nor is there any authorization in the application file for the use of a deposit account								
		The T.D. does not satisfy Rule 321 in that the person who has signed the T.D. has not stated the extent of his/her interest (and/or the extent of the interest of the business entity represented by the signature) in the application/patent (see 14.26 & 14.26.01).								
		The T.D. lacks the enforceable only during common ownership clause – needed to overcome a non-statutory double patenting rejection, Rule 321(b) (see 14.27.01).								
		The T.D. is directed to a particular claim(s), which is not acceptable since "the disclaimer must be for a terminal portion of the term of the entire patent to be granted" (MPEP 1490) (see 14.26 & 14.26.02).								
		The person who signed the T.D.:								
		Γ	is not an attorney "of record"	(see 14.29 and 14.29.01).						
			has failed to state his/her capa	acity to sign for the business entit	y (see 14.28).					
			is not recognized as an officer	of the assignee (see 14.29 & pos	sible 14.29.02).					
		No documentary evidence of a chain of title from the original inventor(s) to assignee has been submitted, nor is the reel and frame number specified as to where such evidence is recorded in the Office (see 37 CFR 3.73(b) and 1140 O.G. 72). NOTE: This documentary evidence or the specifying of the reel and frame number may be found in the T.D. or in a separate paper of record in the application (see 14.30).								
		The T.	D. is not signed (see 14.26 & 14.	26.03).						
		The serial number of the application (or the number of the patent) which forms the basis for the double patenting rejection is missing or incorrect (see 14.32).								
		The serial number of this application (or the number of the patent in reexam or reissue cases being disclaimed is missing or incorrect (see 14.26, 14.27.02 or 14.26.05).								
		The pe	eriod disclaimed is incorrect or no	t specified (see 14.26, 14.27.02 o	r 14.26.03).					
	Γ	Other:			<del>                                    </del>					
			stion to request refund (see 14.30 not check this item.	6). NOTE: If already authorized, c	redit refund to deposit account					
I have a	ppropriate	ly notif	fied applicant(s) of the status of t	he Terminal Disclaimer filed in this	s case.					
Ex.Initia	ls:	<b></b>	Date:		Log Date:					

Application Number	Application/Control No.		Applicant(s)/Patent under Reexamination  CROWELL ET AL.					
Document Code - DISQ		Internal Document – DO NOT MA		NOT MAIL				
TERMINAL DISCLAIMER	⊠ APPROVI	☑ APPROVED		☐ DISAPPROVED				
Date Filed : July 6, 2007	This patent is subject to a Terminal Disclaimer							
Approved/Disapproved by:								
Henry D. Jefferson								

U.S. Patent and Trademark Office

PTO/ SB/26 (04-07).
Approved for use through 09/30/2007. OMB 0651-0031
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## TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING **REJECTION OVER A "PRIOR" PATENT**

Docket Number (Optional) 0275K-000591/CPB

In re Application of: Crowell et al Application No. 10/822,349

Filed: April 9 2004

For:

SYSTEM AND METHOD FOR DATA RETRIEVAL IN AC POWER TOOLS VIA AN AC LINE CORD

The owner, <u>Black & Decker</u>, of <u>100</u> percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term prior patent No. <u>7,054,696</u> as the term of said prior patent is defined in 35 U.S.C. 154 and 173, and as the term of said prior patent is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and Is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant ap pa lat

patent, "as the term of said prior patent is presented."						
expires for failure to pay a maintenance fee;						
is held unenforceable; is found invalid by a court of competent jurisdict is statutorily disclaimed in whole or terminally di has all claims canceled by a reexamination cert	isclaimed under 37 CFR	1.321;				
is reissued; or is in any manner terminated prior to the expirati	on of its full statutory ter	m as presently shortene	ed by any terminal disclaimer.			
Check either box 1 or 2 below, if appropriate.						
For submissions on behalf of a business etc.), the undersigned is empowered to ac			niversity, government agency,			
I hereby declare that all statements mad information and belief are believed to be true; and statements and the like so made are punishable because Code and that such willful false statements in	further that these stated by fine or imprisonment,	ments were made with or both, under Section	the knowledge that willful false 1001 of Title 18 of the United			
2. The undersigned is an attorney of record.	Reg. No. 33,686	ed The	July 6, 2007			
	2	Signature	Date			
	Mark D. Elchuk  Typed or printed name					
	(248) 641-1600					
		Telephone Number				
☐ Terminal disclaimer fee under 37 CFR 1.20(c	I) is included.					
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\*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner). Form PTO/SB/96 may be used for making this certification. See MPEP § 324.

This collection of information is required by 37 CFR 1.321. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA22313-1450.